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US EPA RECORDS CENTER REGI



402092

January 15, 1988

MR. JAMES G. McCORMACK
9520 South Meade
Oak Lawn, Illinois 60453

In Re: U.S.EPA - U.S. Scrap Corp. and 9th Avenue Dump
Deposition of: James G. McCormack

Dear Mr. McCormack:

Please be advised that the transcript of your deposition taken on January 12, 1988 in the above-entitled case, inasmuch as signature was not waived, is now available in our office for reading and signing for the next 30 days.

Please call to make an appointment to read your transcript. Our office hours are from 9:00 to 5:00, Monday through Friday.

If you fail to read and sign your deposition within 30 days, under the procedure outlined in Rule 207 of the Illinois Supreme Court Rules pertaining to the taking of depositions for the purpose of discovery, your deposition will be completed and forwarded to the attorneys and will be "used as fully as though signed."

Very truly yours,

Kathleen M. Fennell

KMF/jmc

cc: Mr. Edward J. Kowalski ✓

IN THE MATTER OF:

U. S. SCRAP CORPORATION,
Chicago, Illinois,

and

9TH AVENUE DUMP,
Gary, Indiana

BAKER, FENNELL & ASSOCIATES, INC.

CHICAGO, ILLINOIS 60601

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REPORTED BY: Kathleen M. Fennell, CSR

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APPEARANCES :

U. S. ENVIRONMENTAL PROTECTION AGENCY
SOLID WASTE & EMERGENCY RESPONSE BUREAU
REGION V
ASSISTANT REGIONAL COUNSEL
BY: MR. EDWARD J. KOWALSKI,
Appeared on behalf of the U.S. EPA.

I _ _ N _ _ D _ _ E _ _ X

WITNESS: _ _ JAMES MCCORMACK

PAGES

BY MR. KOWALSKI :

EXAMINATION

3-52

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DEPOSITION EXHIBIT

MARKED FOR ID

No Exhibits Marked.

(Witness sworn.)

MR. KOWALSKI: For the record, this will be the deposition of Mr. James McCormack which is taken pursuant to a subpoena issued by the Environmental Protection Agency.

Mr. McCormack, I'm going to be asking you some questions in connection with some hazardous waste sites being investigated by the Environmental Protection Agency. The court reporter here is going to be taking down your testimony, so if you could keep all of your answers out loud, it would be appreciated.

THE WITNESS: All right.

MR. KOWALSKI: If I ask you anything you don't understand or you have any questions of me, please stop me and ask me and I'll be happy to accommodate you.

THE WITNESS: All right.

JAMES MCCORMACK,
after having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. KOWALSKI:

Q Mr. McCormack, could you state your full

1 name and spell your last name?

2 A James Gordon McCormack, M-c-C-o-r-m-a-c-k.

3 Q And your current address?

4 A 9520 South Meade, Oak Lawn.

5 Q And is that a house?

6 A House.

7 Q Do you have any plans of moving from that
8 residence?

9 A No, no, no, can't afford it.

10 Q And could I ask your date of birth?

11 A 3-31-49.

12 Q Are you a Chicagoland native pretty much?

13 A Yes.

14 Q And the extent of your education?

15 A G.E.D. and about a year's worth of college.

16 Q Where was your year of college?

17 A Moraine Valley.

18 Q Do you have any particular area of study?

19 A I was studying civil engineering.

20 Q And where are you currently employed?

21 A Transport Service Company.

22 Q That's located 41st and Cicero?

23 A 5100 West 41st Street in Stickney.

24 Q And how long have you been there?

1 A I'd say about sixteen months.

2 Q What kind of work do you do for Transport
3 Service?

4 A I'm a -- what do you call it -- a trailer
5 and power mechanic.

6 Q Prior to that, where were you employed?

7 A MCC Contracting.

8 Q And where is that located?

9 A 4925 West 25th Street, Cicero.

10 Q And how long were you there?

11 A Eighteen months.

12 Q And what kind of work did you do for them?

13 A I was a field service engineer. I was a
14 field mechanic. That's the title they gave you.

15 Q The work itself was mechanical?

16 A Yeah.

17 Q Would it be accurate to say you've held a
18 number of jobs?

19 A Quite a number.

20 Q I'm not going to go through the details of
21 all those. You worked at the U.S. Scrap site; do
22 you know what I mean by the U.S. Scrap site?

23 A Yeah.

24 Q You worked at that site when, what period

1 of time?

2 A I don't remember if it's '73 or '74. I'd
3 have to ask my ex-wife.

4 Q And what period of time?

5 A I believe I started working there sometime
6 in February, and I quit around April or May. May
7 have started sooner. I don't remember.

8 Q So it was a period of just several months?

9 A Several months, yeah.

10 Q How did you come upon that particular
11 employment?

12 A Ad in the paper.

13 Q Which paper was that in?

14 A Let me see. I believe it was the Times,
15 I'm not sure.

16 Q The Sun Times?

17 A Yeah.

18 Q What did that ad ask for?

19 A They were looking for a heavy duty mechanic
20 with construction and truck and welding experience.
21 That's a standard -- what do you call it -- thing
22 for when they look for mechanics of my type.

23 Q Did they include an address or a phone
24 number?

1 A Yeah. They included an address and a phone
2 number, and you couldn't always get ahold of
3 somebody at the address and half the time the phone
4 didn't work and usually you ended up waiting for
5 them to come in.

6 And it was a storefront where they had
7 rented a storefront on -- I can't think of the name,
8 123rd or something like that, 122nd. I could show
9 them, but I can't tell you.

10 Q 122nd --

11 A No, wait a minute. Sat on the same street
12 as Sherwin Williams, so I can't think if that's
13 115th or 118th, I don't remember.

14 Q It's in that area?

15 A Yeah.

16 Q And in terms of east --

17 A 123rd was where the shop was, so it was
18 about 115th, 116th.

19 Q Was there a company name or an individual's
20 name?

21 A It was U.S. Scrap, and that's what they
22 listed it under. And then also was when you did
23 answer the phone, they listed the phone number, it
24 was under U.S. Debarreling.

1 Q So the name in the ad itself was U.S.
2 Scrap; and when you called the phone number listed,
3 they sometimes answered U.S. Debarreling?

4 A U.S. Debarreling, U.S. Scrap and there was
5 one other one I don't remember.

6 Q Was the name Liquid Engineering ever used?

7 A That was on the trucks. Half the trucks
8 said U.S. Scrap. Half the trucks said Liquid
9 Engineering. Some said U.S. Debarreling, and there
10 was another one, I don't remember, and those trucks
11 were out at Ottawa. And I guess you guys won a case
12 against them out in Ottawa, and we had to go out
13 there and clean up.

14 Q So you essentially met someone in response
15 to this ad at the storefront you mentioned?

16 A Yeah, I met one of the salespersons. They
17 set up a date and I met I believe it was Mr. Martel,
18 and I had an interview there and they called me
19 back -- they had me call in two days and I was
20 hired.

21 Q Just to go back a minute, the storefront on
22 115th, what east-west street -- or I'm sorry --
23 north-south street would that be near?

24 A The nearest north-south street was Cottage

1 Grove. The easiest way to find it is on there, you
2 come where you go back to go under where they are,
3 if you come back a block, there's a tavern on the
4 left-hand side and then the next building over,
5 there was, the last time I was down there, it was a
6 resale shop.

7 Q Okay. Your interview with Mr. Martel, what
8 conversation occurred?

9 A He wanted to know if I knew anything about
10 construction equipment, welding, power equipment and
11 auxiliary engines such as ditchers and pumps and
12 hydraulics.

13 Q Did he explain the operation of the
14 business at all to you?

15 A No. All he said was that they hauled
16 liquid wastes, scrap and they do some type of --
17 what did he say -- removal of barrels of stuff like
18 that. Sometimes I'd have to go out in the field and
19 stuff like that.

20 Q Okay.

21 A Which really the field was there. We were
22 in a shanty. That was the shop, and the office was
23 a house trailer.

24 Q Okay. Prior to your involvement with the

1 U.S. Scrap Corporation, had you been involved with
2 the waste industry at all?

3 A That depends how you want to mean it. I
4 had worked for my father and we had done work in
5 scrap yards and garbage dumps and stuff like that
6 because what we were were a crane and heavy
7 equipment repair company.

8 Q Where was that experience at?

9 A I worked for DeBorer's dump with my father,
10 Sexton and about seven or eight different
11 scrapyards.

12 Q I see. And how about subsequent or after
13 your work with Mr. Martel?

14 A I worked -- I left him, I went to work for
15 a trucking company for a while. I worked there.
16 Then I went on my own for a while, and I've worked
17 basically junkyards.

18 Q After your interview with Mr. Martel, you
19 waited a couple of days, then you were contacted
20 that you had the job?

21 A Because I had other interviews to go
22 through.

23 Q I see. And you received a phone call?

24 A No. I called them because I didn't have a

1 phone at the time.

2 Q I see. You spoke with Mr. Martel?

3 A No, I spoke with somebody from the office
4 and I never did know her name, but she told me that
5 to report in at 8:00 o'clock the following morning
6 with my equipment.

7 Q And you went to work at the U.S. Scrap
8 yard?

9 A Yeah.

10 Q Where was that located?

11 A Approximately 123rd and Cottage Grove.

12 Q As best you can, Mr. McCormack, can you
13 describe the layout of the U.S. Scrap site for me?

14 A Okay.

15 Q Let me just show you a little sketch I have
16 here and this may or may not be of use to you in
17 describing it.

18 A Okay, I got it backwards. Okay, this thing
19 here doesn't do anything for me.

20 Q Okay, that's fine. I prefer that you just
21 describe it yourself.

22 A You're coming in off of this main street,
23 you take a right. Come under the bridge, you take a
24 left. You go past what used to be Stainless Steel

1 Processing. You bear to the right and at one time,
2 it was high built up because they had used that for
3 some fill and stuff like that, and there was like a
4 drainage ditch on one side, a high mound.

5 And you would come in and after you
6 went past the high mound, there was a D.O.A.
7 equipment parking where they parked equipment on the
8 hill that was dead or damaged or junk, and you would
9 come down and you'd come down into like a
10 cul-de-sac. And as you come in, on the right there
11 would be the debarreling pit with the machine or
12 crane in there.

13 You had a building going north-south
14 and then you had a building going east-west. The
15 east-west building was a three-bay shanty type open
16 air garage, and behind the open air garage was a
17 tire shop which was like a one-stall car garage. It
18 was like one-car garage wide and about big enough to
19 fit a trailer in, which would be about 30 foot long.

20 And then right next to that you had an
21 open space. Then you had the trailer. Behind that,
22 there was equipment parking. Then you had his
23 primadonna, which was his incinerators, and right
24 behind the incinerators was one, two, three -- three

1 or four silos. And if you went west of the silos,
2 there was a house trailer where a security guard
3 lived at one time.

4 Q The east-west building that you described,
5 what was that used for?

6 A Debarreling. They had a pit. In fact, the
7 ramp, one of the last times I was out there when
8 they took me out there, the pit where they had it
9 built up for dumping the barrels into the pit was
10 still there. The buildings were gone. The
11 buildings were razed.

12 Q Was the pit inside a building?

13 A No, it was open air. The shop and
14 everything else was run. The way it was, you had a
15 shop here. You had the trailer -- you had the shop
16 behind you for the tires, and this thing stuck over
17 this way, went like this and started coming down
18 here. And all this area in here was the pit.

19 Q The U.S. Scrap property or site ran kind of
20 lengthwise north and south, right?

21 A Yes.

22 Q And the --

23 A It ran from approximately the -- oh, 50
24 percent of the center of Stainless Steel Processing,

1 what they considered their property where it was
2 built up, to just the other side of the silos.

3 Q And there's some railroad tracks that ran
4 alongside U.S. Scrap property?

5 A Yes.

6 Q And those ran along the western border,
7 correct?

8 A Yeah.

9 Q Okay. And then the eastern border of the
10 property was pretty much a road?

11 A No, it was -- they had a fence line and
12 like a trench, and they built a road into it, okay.
13 And then the road that some people just -- the thing
14 was, instead, you'd come to a "Y" and the left-hand
15 "Y" went off to the left would be going out to the
16 dump and the right-hand "Y" would go into the shop
17 area.

18 Q This debarreling pit and building that
19 you've described, were those located more toward the
20 northern portion of the property?

21 A Yeah. They were right on the northern end.

22 Q Okay. And what was the debarreling pit
23 used to store?

24 A They would take paint pigment, any type of

1 liquid and they would take and take the bongs off
2 the barrel, pour the liquid into the pit and they
3 would add dirt and stuff like that to it with either
4 a crane or an endloader, mix it together, load it
5 into either a roll-off or a dump unit and turn
6 around, take it out to the pit -- to the burying
7 area and then they'd start all over again.

8 Q How large was this pit?

9 A 50-by-100, 100-by-150 -- I don't exactly
10 remember.

11 Q When you say 50-by-100 or 100-by-150, are
12 you talking feet?

13 A Feet.

14 Q And you said it had a ramp built up next to
15 it?

16 A Yeah.

17 Q That was so that the trucks could --

18 A No, no. They would back the barrels in the
19 back here. Like I said, the building come off.
20 They would back the trailers down here and Mexican
21 laborers would unload the barrels by hand and stock
22 them in the debarreling shed and then start
23 debarreling them.

24 Then they would turn around, reload

1 them onto other trucks and store them or have them
2 cleaned because we would -- they would sell the
3 barrels to different outfits for cleaning or for
4 scrap use or for reuse.

5 Q Okay. And the north-south building that
6 you described, what was that used for?

7 A That was the -- that's the debarreling room
8 what they called it.

9 Q Where the --

10 A Barrels would be stored, where the workers
11 worked, where they were stacked up and stuff like
12 that.

13 Q And then the east-west building, how was
14 that different?

15 A The east-west building, this one here was
16 like a big shed, you could put three semis in there,
17 semi-trailers back in there with the trucks sticking
18 out. That's where we worked on the equipment.

19 Q Okay.

20 A What it was was the shop and then you had a
21 tires-changing area right behind it.

22 Q You mentioned there was also a trailer on
23 the site.

24 A Yeah, office trailer.

1 Q Was that also on the north end?

2 A No, that was on the south end.

3 Q And that was used as an office?

4 A Yeah.

5 Q Who would work in that trailer?

6 A Lynn would. That was also the parts. When
7 Mr. Martel was around, he'd work out of that office.
8 People would come and go, buyers, sellers, whatever,
9 dispatch would work out of there, that was Lynn.

10 Q You don't know Lynn's last name, do you?

11 A No, I never did know her.

12 Q Could you describe Lynn to the extent you
13 could?

14 A No, not no more. I haven't seen her.

15 Q Was she a young woman or an older woman?

16 A She was -- I don't really know. I'd say
17 she was in her mid 20s, early 30s when I met her.

18 Q Did she have blond or dark hair?

19 A I believe it was blond.

20 Q Any physical characteristics that stand
21 out?

22 A No.

23 Q Do you know where Lynn lived --

24 A No.

1 Q -- or resided?

2 A No.

3 Q And what was her function with the company?

4 A She was dispatcher.

5 Q You said Mr. Martel used the trailer when
6 he was on the site?

7 A Yeah.

8 Q Did he spend a lot of time on the site?

9 A Depends upon what was going on. If it was
10 a standard day, yeah, but if you had a lot of hot
11 loads coming in or you had a heavy clean-up to do,
12 he would be there and he would supervise the jobs.

13 Q When you say a "hot load," what do you
14 mean?

15 A That would be a load that where the truck
16 broke down, couldn't go out or where a load was
17 supposed to have been scheduled to be picked up that
18 day and they couldn't break a unit loose.

19 The next day, we'd have to either
20 bring a unit up or -- what do you call it -- double
21 a unit up. Instead of making one, if the guy
22 expected to work four or five hours, that day, he'd
23 end up working his eight.

24 Q You said there were incinerators on the

1 site as well?

2 A One incinerator. To my knowledge, he never
3 got the license for it. I know he applied for it.

4 Q Where was that located?

5 A That would be at the south end
6 approximately 350 feet from the shop. It was right
7 next to the silos, and he used to keep all of the
8 valuables in there -- brass, copper, stuff like that
9 he would salvage out of buildings that he wrecked
10 and stuff.

11 Q He kept that in the silos?

12 A Yeah, and he had the doors -- he'd fill
13 them up with a crane and he had the door barricaded
14 where he couldn't get out.

15 Q Were there any liquid waste put in the
16 silos?

17 A No. That was -- if you had liquid waste
18 that was in the barrels or we had one old milk
19 trailer that we used to keep the waste in, when that
20 sprung it out, I welded it up. Went out on a load,
21 come back, happened to be working on a dozer in the
22 pit and the trailer and everything else was just
23 dumped.

24 Q Dumped into the pit?

1 A Yes.

2 Q This was the debarreling pit?

3 A No, this was at the dump. You know where
4 they found the old Sherwin Williams building, the
5 one where they had Waste Management come out and
6 pump out? That was a big eight or nine different
7 sections in there which they buried stuff.

8 Q During the time that you were at the site,
9 Mr. McCormack -- first of all, let me ask you, what
10 were your working hours at the site?

11 A Usually from 7:30 to 4:30.

12 Q I assume that's 7:30 a.m. to 4:30 p.m.?

13 A (Nodding).

14 Q Were those the business hours of the site?

15 A Those were the business hours of the site,
16 yeah.

17 Q Would there be any work conducted at the
18 site outside of those hours?

19 A Yeah.

20 Q On a regular basis?

21 A Regular basis. Most of the drivers started
22 about 4:00 o'clock in the morning. Some drivers
23 would work -- they'd let them go at noon or so, have
24 them come in at eight or nine at night and work till

1 three or four in the morning and then they'd get an
2 alternate driver.

3 So, basically, work was conducted
4 round the clock there, but as far as mechanics and
5 stuff go, we basically worked from about 7:30 to
6 4:30.

7 Q During the period you worked out there, how
8 many mechanics were there?

9 A Two besides myself. There was three of us
10 all told.

11 Q Do you recall the names of the other two?

12 A No, I did not get along with them and we
13 had nothing to do with each other.

14 Q Okay. And how many drivers worked at the
15 site?

16 A Approximately seven, and they were all
17 union.

18 Q Do you know which union?

19 A No, but I know they were Teamsters.

20 Q How do you know that?

21 A Because they wore Teamster buttons. Like I
22 said, I don't remember that. And at the time, he
23 was undergoing problems with the Operating
24 Engineers, also.

1 Someone from the Operating Engineers
2 might know Lynn or something about her because
3 they -- she handled a lot of the disputes with the
4 engineers and stuff like that. Contacting people to
5 come to work and stuff like that.

6 Q So there were also Operating Engineers on
7 this site?

8 A No. There was no Operating Engineers. He
9 would have day laborers running the equipment, and
10 he used to get nailed for it periodically.

11 Q So union representatives would come out and
12 discuss the fact that he was using nonunion labor --

13 A Yeah.

14 Q -- on the heavy equipment?

15 A I know the drivers were union because most
16 of the places they had to pick up were union, and
17 the only job site I ever went on as far as
18 Allis-Chalmers in Harvey, we had a unit break down
19 out there. The only other time I went to a job site
20 was the one in Ottawa which they had to repair,
21 clean up. I had to put a machine together and get
22 it running.

23 Otherwise, they kept us close to home.
24 They did not, quote unquote, "We don't need you guys

1 out at these sites knowing who our customers are"
2 because he used to say, quote unquote, "I lost too
3 many customers due to people knowing what my
4 business is."

5 Q Do you know what he meant by that?

6 A We had one guy that I knew of, he's no
7 longer in the business, that worked for him as a
8 driver and stuff, bought his own unit and started
9 contracting to haul the stuff.

10 Q Do you recall who that was?

11 A No, I don't remember.

12 Q Do you recall the names of any of the
13 drivers?

14 A No.

15 Q How about of any of the day laborers?

16 A No, because as far as the drivers go, I'd
17 see maybe once a day at the end of the day unless
18 they had a breakdown and then they'd bring it in or
19 if I had to do something like that, but that's
20 basically the only time.

21 If there was something wrong with a
22 unit or something, they'd leave me a note and I'd
23 start on the note or Lynn would tell me what was
24 wrong with the unit.

1 Q Was there an additional house trailer --

2 A Yeah.

3 Q -- as well as the office trailer?

4 A Yeah. That is where a security guard lived
5 for a while.

6 Q Was the security guard still in there --

7 A No.

8 Q -- during the period of time you worked?

9 A No. They got rid of them.

10 Q What was that trailer used for the time you
11 were there?

12 A Nothing while I was there. It was just
13 sitting there.

14 Q So I understand, Mr. McCormack, all of your
15 work was done on the site itself except for these
16 two occasions?

17 A Uh-huh.

18 Q Once when you went to Allis-Chalmers and
19 once when you went to the Ottawa site?

20 A Yeah.

21 Q Do you recall the names of any other
22 individuals who worked out at the site?

23 A No. Thorsen Tractor and Equipment out of
24 Lyons did the equipment repair, the major stuff, and

1 they dealt with them more thoroughly than I did.

2 Q Thorsen Tractor?

3 A Yes. They're out of Lyons and the owner of
4 that company is Pete Thorsen.

5 Q Does the name Leroy Brown or LeRoy Brown
6 ring a bell with you, Mr. McCormack?

7 A There might have been a guy there, LeRoy,
8 but I don't remember.

9 Q How about Frank or Steve Cherillo?

10 A Steve Cherillo's name is familiar, but I
11 don't know where or what from. He might have been
12 there. I don't know in what capacity because there
13 could be two Steves. That's why I remember.

14 In fact, I tell you what, up until
15 before this incident, I had one of their
16 salesperson's card because he paid for a muffler job
17 I had on my car.

18 Q Mr. McCormack, I forgot to ask you, your
19 associate requested any documents you might have
20 relating to --

21 A I didn't have nothing.

22 Q Were you paid in cash, by check?

23 A Check and I can't -- I looked for the
24 check but I moved about eight times and I went

1 through a very nasty divorce, so --

2 Q The checks that you received --

3 A U.S. Scrap.

4 Q -- U.S. Scrap Corporation?

5 A Yes.

6 Q Were those signed by Mr. Martel?

7 A Some were and some weren't, and I don't
8 remember who signed the other ones.

9 Q Were those mailed to you, or did you pick
10 those up?

11 A No, they were handed to us at the end of
12 the day, Friday. Lynn usually passed them out.

13 Q You explained the debarreling pit and the
14 debarreling shed on the north end of the site.

15 What other kind of dumping areas were
16 at the site during the period of time you worked
17 there?

18 A Prior to when I got there, I guess they had
19 moved the shop down. Originally they were farther
20 down north and were dumping for a while. Then they
21 moved back down. The only other dumping area was
22 over at the main dump.

23 Q And where was that located?

24 A That was over by the old Sherwin Williams

1 building.

2 Q Was it on the south end of the site?

3 A Yeah, south end of the site and it would be
4 east/southeast.

5 Q And what was dumped in that area?

6 A Anything and everything, everything from
7 wood, scrap, bad barrels, liquid, paint residue from
8 the -- what do you call it -- from the debarreling
9 and whatever else, garbage he had in there. Waste
10 oils, stuff like that. No one's ever took a core
11 sample in that area?

12 MR. KOWALSKI: Off the record for a minute.

13 (Discussion held off the record.)

14 BY MR. KOWALSKI:

15 Q Mr. McCormack, were you ever made aware of
16 any other dumping sites that Mr. Martel or U.S.
17 Scrap or any of these other corporations were using
18 other than U.S. Scrap?

19 A Ottawa, I know that for sure because, like
20 I said, they were involved in something and we had
21 to go clean it out because they were given so many
22 days to clean up. They were running over and they
23 were starting to be fined, and then there was a
24 rumor of two guys getting caught fly dumping out

1 there on Little Calumet.

2 Q What do you mean by fly dumping?

3 A Open your valves and run like hell.

4 Q Does the name Penn Central mean anything to
5 you?

6 A No.

7 Q So if I mentioned Penn Central property or
8 Penn Central site, that doesn't mean anything to
9 you?

10 A No, because different sites, like, we
11 didn't call that U.S. Scrap site. That was like
12 Debarreling Site 1 and the dump would be like -- it
13 was Excavation Point 2 or 3. Nothing had a name.

14 Q I see. Mr. McCormack, did anyone ever tell
15 you or did you ever hear anything about a site in
16 Indiana or Gary, Indiana that was being used for
17 dumping?

18 A I walked in one time and something was said
19 about, "Take the load to Indiana and do the usual,"
20 and the moment I walked in, everybody clammed up and
21 I got my parts and I left.

22 I knew there was something in Indiana.
23 I didn't know what about because several of the
24 drivers had mentioned, "Okay, will it make it to

1 Indiana and back?" Because his equipment was, how
2 you say, accidents waiting to happen half the time.

3 Q This one conversation that you overheard,
4 "Take the load to Indiana and do the usual," who was
5 saying that?

6 A Lynn to one of the drivers.

7 Q Were you ever aware of any kind of storage
8 tank or holding tank on what I term the U.S. Scrap
9 site that was pumped out and then the liquid taken
10 to another site or elsewhere?

11 A No, but I know trailers would be parked
12 there for days on end where they'd take one of the
13 units and leave a part or they'd take and fill up
14 barrels and leave them and then they'd be there that
15 night; when you leave the next day, they were gone.
16 But as far as a storage bin, no.

17 Q Okay.

18 A There might have been one over at the Site
19 2, the other place; but like I said, I only went
20 over there once or twice because that was my privy.
21 Certain areas, certain areas, and I know they used
22 to store barrels in the old Sherwin Williams
23 building. I knew that for sure because the day I
24 was there fixing the dozer, I seen them put barrels

1 in there.

2 Q These trailers that you would see filled
3 and sitting there and then gone the next day, did
4 those have waste in them?

5 A Yes, because these guys, we would come in,
6 drop the load and go pick up another load or go hook
7 up to a dumpster box and go pick up a load of scrap
8 iron or bricks or stuff, whatever.

9 Q Do you know exactly how the operations
10 worked in terms of how often the drivers went to
11 pick up loads?

12 A Daily.

13 Q So daily they'd go and pick up a load.

14 A Yeah, because they had a regular schedule
15 of pick-up customers, plus he had a wrecking
16 operation, he was wrecking buildings and stuff, so
17 that kept the people going.

18 Q Do you know what kind of paperwork was
19 involved when they would go pick up these loads?

20 A No.

21 Q Were there any records kept, do you know?

22 A Yeah, they had bills of lading, bill of
23 pickups and I can't think -- bill of billings,
24 purchase order billings and stuff like that.

1 Q Do you know where those records were kept?

2 A They would be kept down in the trailer for
3 a while and then they would be transferred up to the
4 office.

5 Q When you say the trailer, you mean the
6 trailer that Lynn stayed in?

7 A Yeah, that would be there for a while and
8 then about once a week or more, they would be
9 shipped up to the office for billing for, like I
10 say, service.

11 Q Is that the storefront office you mentioned
12 earlier?

13 A Yeah.

14 Q Do you know who did the billing itself?

15 A No.

16 Q Did you ever see any of these bills,
17 invoices or tickets?

18 A Yeah, but to me they were standard
19 inventory sheets.

20 Q Can you tell me what kind of information
21 was contained on them?

22 A No, I couldn't.

23 Q Could you tell me the company name or names
24 that were on those sheets?

1 A No.

2 Q Was it U.S. Scrap Corporation?

3 A U.S. Scrap and U.S. Debarreling, sometimes
4 Liquified Engineering. It depended upon what the
5 truck would go out for.

6 Q What do you mean by that?

7 A If the truck went to pump a load, let's say
8 go to Allis-Chalmers and pick up load, that would be
9 Liquified Engineers.

10 If the truck was set up to carry
11 barrels, it would be U.S. Debarreling. If the truck
12 was a dumpster or a roll-off box, that was U.S.
13 Scrap.

14 It depended upon what the truck was,
15 really, so one driver might haul barrels all day and
16 the next day he'd be out hauling sludge or the next
17 day he might be hauling a roll-off box. Nobody had
18 a set truck or a set unit.

19 Q So how many trucks did they have at the
20 site?

21 A Approximately seven.

22 Q Seven trucks. And they had the names U.S.
23 Scrap --

24 A Liquified Engineering.

1 Q -- Liquified Engineering and --

2 A U.S. Debarreling. U.S. Debarreling was
3 mostly magnetic signs.

4 Q Oh, I see, they'd just stick them to the
5 side?

6 A Yeah, U.S. Scrap or whatever.

7 Q The U.S. Debarreling trucks, did those only
8 haul barrels?

9 A Basically, yeah, because what they were
10 were straight jobs and a couple of them were --

11 Q Straight jobs, you mean flat beds?

12 A Flat beds, single axle Internationals,
13 stuff like that. The other ones were -- they had
14 two semis set up for it.

15 Q Okay. When you said they hauled barrels,
16 would that be barrels of waste?

17 A Barrels of waste, paint pigment, dirty
18 alcohol, what do you call it, glycol, anti-freeze,
19 stuff like that.

20 Q And the Liquified or Liquid Engineering
21 trucks, were those tank-type trucks?

22 A Yeah. They were standard waste haulers.

23 Q That doesn't mean anything to me.

24 A They were self-contained self units which

1 could either pump off or discharge the product.
2 They were approximately 35 foot long, approximately
3 12-and-a-half foot high, either round or oval.

4 Q How many of those were there?

5 A There was four of them. There was more --
6 supposed to have been more of them, but I only saw
7 four.

8 Q Those hauled liquid waste?

9 A Liquid waste, yeah.

10 Q And how many of the flat beds?

11 A There was two flat beds. Those were
12 40-foot flat beds, and there was two roll-off boxes.

13 Q Tell me about this occasion when you went
14 out to Allis-Chalmers.

15 A Unit froze up. What it was, the brakes
16 seized up on the unit and they just got done
17 emptying A-C's waste bin which was usually glycol,
18 oil, cutting oil, stuff like that. That was their
19 standard waste bin.

20 And I went out there and run grain
21 alcohol through the system to freeze it -- unfreeze
22 it. Got the pumping unit running again because that
23 acted up, and I went back to the shop.

24 Q This was Allis-Chalmers' plant where?

1 A In Harvey or Phoenix, whatever you want to
2 call it. It's off of Halsted. Their motor plant
3 there.

4 Q And this was one of --

5 A That was one of the pickups.

6 Q Regular customers?

7 A Yeah.

8 Q Do you know how often a load was picked up
9 there?

10 A No.

11 Q You said the waste was glycol, oil, cutting
12 oil?

13 A Yeah, stuff like that. They built -- they
14 were the engine builders there and whatever they
15 used, I know supposed to have been glycol and stuff
16 like that because there was something said one time
17 that one load was quite a bit of anti-freeze in it.

18 Q Who did you hear that from?

19 A One of the drivers because anti-freeze will
20 screw up the seals in the packing on one of the
21 pumping units, so they had to have the pump rebuilt.

22 Q Do you recall when that was that you went
23 out to Allis-Chalmers?

24 A No.

1 Q Was that toward the beginning or more
2 toward the end?

3 A In the middle.

4 Q In the middle of your employment?

5 Mr. McCormack, I have a summary of a
6 prior statement you gave. It was prepared by Ann
7 Margey of the Illinois Attorney General's Office.

8 A Yeah, I remember her.

9 Q Have you ever seen this statement before or
10 summary?

11 A Yeah, I do remember Interlake and I do
12 remember Maybelline now, and Interlake we used to
13 go -- that was a weekly pick-up, too. Maybelline,
14 like I said, was once in a while. And this was
15 taken when I had a better memory.

16 Q Where was Interlake located?

17 A That's on -- what is it -- Cottage Grove --
18 no, what is that, that's Michigan Avenue and 138th
19 Street, 135th?

20 Q That's Interlake Steel?

21 A Interlake Steel, yeah. They had a vacuum
22 truck. Yeah, I remember that.

23 Q Do you know what waste was picked up from
24 Interlake?

1 A No. That I don't remember.

2 Q How about Maybelline, where it was that
3 located?

4 A That was 129th and Crawford.

5 Q And do you know what kind of waste was
6 picked up there?

7 A No.

8 Q Would those be liquid wastes --

9 A Yeah.

10 Q -- at Interlake and Maybelline?

11 A Yeah.

12 Q Was there any markings on the truck or on
13 any of the invoices that you're aware of, Mr.
14 McCormack, that delineated hazardous waste versus
15 nonhazardous that made any kind of delineation kinds
16 of waste?

17 A There was no placarding at all. I deal
18 with the placarding system now. So then, no.

19 Q A couple of the other companies mentioned
20 on this statement I referred to earlier are
21 Owens-Illinois and Sherwin Williams?

22 A Owens-Illinois, yeah, I remember that and
23 Sherwin Williams which was down the road, we used to
24 go pick up barrels.

1 Q Barrels full of waste?

2 A Usually bad paint pigment because a lot of
3 the barrels had Sherwin Williams on it.

4 Q How often would you pick barrels up from
5 Sherwin Williams?

6 A I was there, like I said, during the time I
7 was there, I seen two 40-foot trailers come in.
8 That was a hit-and-miss company. You'd have to bid
9 for that.

10 Q When you said two 40-foot trailers, that
11 would be two trailers full of barrels?

12 A Uh-huh.

13 Q That was the Sherwin Williams plant that
14 was adjacent pretty much to the U.S. Scrap site?

15 A Yeah.

16 Q How about Owens-Illinois, do you recall how
17 often they made pickups there?

18 A At the time I was there, I think it was
19 once because I walked in one day to get coffee and
20 she was talking to one of the drivers over the
21 radio.

22 He said he went and picked up, he had
23 room for so many gallons more of a load. She said,
24 "Okay, head over to Owens, they've got approximately

1 what you need to top your load off."

2 Q Do you know what was picked up from Owens?

3 A No.

4 Q Do you recall any loads being picked up,
5 Mr. McCormack, from Rustoleum Corporation?

6 A They might have been. I might have talked
7 about them, but I don't remember at this time.

8 Q Did you ever see any documentation of any
9 kind with any of these company names on them?

10 A No. Like I said, most of the invoices I
11 seen were driver returns and the driver return I
12 didn't -- how you say -- was two separate sheets.

13 You had a sheet with the company name
14 on it and then you had your billing sheet, okay, so
15 when they turned it in at the office, they'd
16 separate the sheets.

17 Q So one sheet would go to the office or
18 would both sheets go to the office?

19 A Both sheets would go to the office so they
20 would know where to bill it to, and then that sheet
21 I don't know what they would do with it and the
22 billing sheet would go into the file.

23 Q The one other company I have listed on this
24 statement is Lawson & Bliss Steel Company. Do you

1 recall anything picked up there?

2 A No.

3 Q Do you recall the names of any other
4 companies, Mr. McCormack, that U.S. Scrap or U.S.
5 Debarreling --

6 A No.

7 Q -- or Liquid Engineering might have
8 serviced?

9 A No, because like I say, I wasn't there
10 really that long. And like I said, I got disgusted
11 after the incident in the paint pit. That was it.

12 Q We'll go into that in a minute.

13 The debarreling pit that you talked
14 about earlier, was that dredged from time to time?

15 A Yeah. Like I said, they would mix -- what
16 do you call it -- clay and dirt into it and then
17 take a backhoe and endloader and dig it out and load
18 it into the trucks and take it out to the burying
19 place.

20 Q To the main dump --

21 A Main dump.

22 Q -- that you referred to?

23 A And that was -- it was approximately 35
24 feet deep because when that crane sunk into there

1 that time, I thought I was going to die.

2 Q Tell me about that incident.

3 A They were dredging the pit because it was
4 starting to overflow and the pigments and stuff were
5 starting to run into the shop and we almost caught
6 fire.

7 So they were cleaning it out and
8 sometimes they would drop a barrel into the pit.
9 You could walk on this stuff and you'd sink about
10 this much (indicating).

11 Q Four or five inches?

12 A It was like walking on Jell-O. It was just
13 walking on a marshy Jell-O, and the unit hit a
14 barrel and ripped a high pressure hydraulic line
15 out. So it couldn't move, couldn't do nothing. Had
16 to come out of there.

17 So they brought in an endloader. They
18 dug a trench and they forced the machine up on its
19 end where I could crawl up under there, take the
20 hydraulic system apart and get out from under there.

21 Well, in the meantime while I'm doing
22 this, this unit's sinking. Nobody's telling me, I'm
23 out there by myself. I start to go out and we'd
24 gone down about three foot. I had to get down on my

1 hands and knees and crawl on this stuff. "Oh, it
2 won't hurt you, it's only paint pigment." I said no
3 problem.

4 Q Who told you that?

5 A The foreman that was running the
6 debarreling section.

7 Q You don't recall?

8 A No. He wasn't there that long. He lasted
9 about two or three weeks. You had a turnover like a
10 revolving door there. People get disgusted at the
11 attitude, people get disgusted with the way things
12 would go or how it was being run or general abuse by
13 people.

14 Q You mentioned earlier that the laborers
15 were pretty much Mexican immigrants?

16 A Yeah. Most of them were day labors hired
17 at day labor halls, and they had their regular ones
18 who would -- the foreman would tell this guy to put
19 this guy to do this, to do this, to do this and keep
20 it going like that.

21 Q You were talking about the incident in the
22 pit.

23 A So I got out from under, got cleaned up a
24 little bit and I went and got a part for it. Well,

1 the part was wrong. So the next day I had to go up
2 to Addison to get the right part.

3 So I had to go back -- they had to
4 force the machine back up again, dig out from under
5 it and do it again. By the time I got it done --
6 this time I had help; it took two men and a boy to
7 bend this rubber hose -- we'd gone down about
8 another foot and a half, two foot. And I come out
9 of there and I went home.

10 The first night I had red blotches on
11 my legs and arm. The next day my whole -- it was
12 like a Saturday afternoon. My whole legs were beet
13 red. I itched, I burned, I went to an emergency
14 room, and they said I had some type of caustic burn.

15 Q Which emergency room was that?

16 A Ingalls Hospital. I went to my doctor and
17 he says some type of caustic burn.

18 Q And who was your doctor at that time?

19 A Doctor at that time was Dr. Levin. His
20 lungs floated away. He went to the big operating
21 room.

22 Q He's deceased?

23 A Deceased. And they gave me some stuff. I
24 went to work Monday and something was said and I

1 started arguing over it because I didn't have no
2 health and welfare and stuff. All I had was \$7.50
3 an hour.

4 So they offered me a raise. I got a
5 50-cent raise which wasn't -- couple days later, the
6 same thing happened and I had to go back in the pit.
7 Put another hose in it, but this time here I already
8 knew in advance what I needed.

9 I ordered it from Howell. Howell sent
10 it out. I went in the pit after it got there and in
11 the hour I was in there, we sunk about another foot.
12 So needless to say, I blew my top, got upset about a
13 few things, about welding in the rain and stuff like
14 that, and I quit.

15 Q You mentioned that Interlake was one of the
16 customers?

17 A One of the units was set up as a vacuum
18 truck.

19 Q Is that a Liquid Engineering truck?

20 A That was a Liquid Engineering truck. It
21 was set up where if they made a spill into the canal
22 or whatever, the truck was supposed to be there at
23 all times or be on call where they could drop -- in
24 fact, they had one -- what you call it -- vacuum

1 truck, and that, part of the time, was broken down.

2 Q That was in addition to picking up the
3 regular weekly loads?

4 A I believe it was, yes.

5 Q Although you've stated, Mr. McCormack, that
6 you don't recall the names of any other companies
7 other than those you've listed for me, do you know
8 the kinds of wastes that were picked up and dumped
9 on the property at U.S. Scrap?

10 A Only the stuff I dealt with, as far as like
11 the paint, oils, whatever you want to call it, some
12 residue from scrap buildings, but as far as the
13 rest, not really. I can speculate, but I don't
14 remember really.

15 Q Do you recall any ammonia?

16 A There might have been a unit bringing
17 ammonia in one time because they used to park that
18 off to the side. They said, "We'll leave that one
19 off. That's a stinky load."

20 Like I said, the only other load that
21 I know for sure which was the one that I welded on
22 which was that old milk trailer, and that was
23 hauling acid.

24 Q Do you know what kind of acid?

1 A No.

2 Q Do you know where it was picked up from?

3 A No.

4 Q How do you know it was acid?

5 A Only stuff that will eat through steel is
6 acid. And what happened was I cut -- I had to arc a
7 hole in there, weld a steel pipe in there and put a
8 valve on it.

9 Well, after about two or three loads,
10 the stuff started springing through. So they filled
11 it up with water, took it out to the dump, flushed
12 it and brought it in.

13 I had to weld it again. And when you
14 take a three-inch standard pipe wall and put it up
15 on there, you've got heavy wall pipe. When you
16 strike an arc on it and there's no pipe left, that's
17 acid. And when I built it, the guy says make sure
18 everything's stainless except for this, it's going
19 to haul acid for a while, and that's it.

20 Q The driver told you that?

21 A Yeah.

22 Q Do you recall any loads of copper waste?

23 A The only copper I knew of was the stuff
24 that he put in the silo.

1 Q The hard metal?

2 A Yeah.

3 Q What about bleach?

4 A No, to my knowledge, no. I don't know
5 nothing about that.

6 Q How many employees in total would generally
7 work on the site on a given workday?

8 A Myself, the tire man, six or eight
9 debarrelers, the one foreman, two other mechanics
10 and two or three people in the office, depending
11 upon what they were doing. Sometimes the bookkeeper
12 would come down there and stuff like that.

13 Q You mentioned from time to time salespeople
14 or company representatives of some kind would come
15 to the office?

16 A Yeah, they'd come down there. Instead of
17 meeting Mr. Martel up at the other office, he'd be
18 down there and he'd have them come down to them.

19 Q Did you ever meet any of those individuals?

20 A No, we weren't allowed. Strange car come
21 around, quote unquote, "You do what you have to do;
22 you don't go to the office; you stay in your
23 selected area."

24 Q Did any of those individuals arrive in

1 company cars where you could see which companies
2 they were representing?

3 A No. There was only about three of them the
4 whole time I was there.

5 Q You don't have any idea where Mr. Martel
6 got his customers, do you, or how he got them?

7 A Usually through the phone book and stuff
8 because he was in the phone book and word of mouth,
9 stuff like that. He did have sales representatives
10 go out and solicit.

11 Q Do you recall the names of any of the sales
12 reps?

13 A No. Like I said, I had the card of the one
14 guy because I ripped up the exhaust system on my car
15 and he did the same thing. And this is just about
16 the time I quit, I was fighting over it, and he
17 offered to pay for it and he had a muffler system
18 put on mine.

19 Q Do you recall any incidents where you
20 mentioned the one occasion when the pit overflowed
21 and had to be dredged out as a result --

22 A That was a common occurrence.

23 Q Was it?

24 A Yes.

1 Q How many times did that occur while you
2 were there?

3 A Three times.

4 Q And each time, it was dredged and mixed
5 with dirt and hauled back to the main dumping area?

6 A Yeah. What they would do, they would haul,
7 let's say, take maybe two semi loads out and then
8 turn around and start throwing a layer of dirt down
9 in there and start it all over again, and then maybe
10 they'd do this for about a week, throw a little dirt
11 on top and start mixing it so it would mix with the
12 dirt.

13 Q Do you recall any occasions when wastes
14 were dumped off of the U.S. Scrap property itself
15 but in the same general area?

16 A The only time I know about that is, like I
17 said, was over at the main dumping area. That's
18 where 99 percent of the stuff was dumped.

19 Q But the main dumping area was still on U.S.
20 Scrap site?

21 A Then, like I said, I was told that two
22 drivers got caught fly dumping. There was rumors of
23 other fly dumping, but you couldn't, how you say,
24 confirm it.

1 Q These rumors that you mentioned were just
2 rumors among the workers there, or where did you
3 hear those?

4 A Among the drivers because certain drivers
5 would get called in early in the morning and they'd
6 have a bonus in their paycheck.

7 Q Did you ever hear of the Garvey grain
8 elevator?

9 A That could have been what I call the
10 Sherwin Williams building. That's that one that --
11 what do you call it -- to me, I call it the Sherwin
12 Williams building because that's the one that Waste
13 Management had to pump out because the basement was
14 full. Is that the grain elevator? That was
15 supposed to have been on --

16 Q So what you described as the Sherwin
17 Williams building is actually a grain elevator
18 located toward the south end of the site?

19 A Yeah, that was over by the main dump.
20 That's the one -- I don't know what it was, to me it
21 was the Sherwin Williams building.

22 Q Now, you're aware that that was pumped out
23 at one time?

24 A Yes, I was.

1 Q How did you become aware of that?

2 A I was there the day it was being pumped
3 out.

4 Q Do you recall, I think you mentioned one
5 occasion when you saw waste taken there. Do you
6 recall more than one occasion?

7 A No, but it was, how you say, common
8 knowledge that it was a storage area. "Take it over
9 to the elevator." That was the statement.

10 Q On the one occasion you knew the waste was
11 taken over there, why was it taken over there as
12 opposed to put in the debarreling pit?

13 A That I don't know. I was never privy to
14 that information. It was just that load come in and
15 it was on a -- what do you call it -- on a dumpster
16 and roll-off box, they put the whole roll-off box
17 and everything else in there.

18 Q Do you know if any special wastes were
19 stored in one area as opposed to another on this
20 site?

21 A No, I don't know nothing about that.

22 Q The material that was in this roll-off box,
23 was that liquid waste, sludge?

24 A It was in barrels.

1 Q And you don't know where that load was
2 picked up?

3 A No.

4 MR. KOWALSKI: Okay, Mr. McCormack, those are
5 all the questions I have for you, and I thank you
6 for coming.

7 Your transcript's going to be written
8 up in tablet form at some point in the future. Now,
9 you have the right to read that when it's written up
10 to make sure the court reporter's taken your
11 testimony down accurately and then you'll sign the
12 signature page. Or you can do what's called waiving
13 your signature, trusting that she will accurately
14 record your testimony. The option is yours.

15 THE WITNESS: I'll read it.

16
17 ---oOo---

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)

U. S. SCRAP)

Chicago, Illinois)

and)

9th AVENUE DUMP)

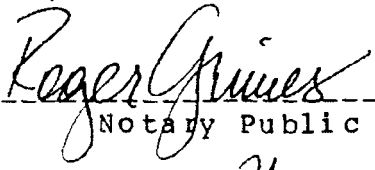
Gary, Indiana)

I, JAMES McCORMACK, state that I have read the foregoing transcript of the testimony given by me at my deposition on the 12th day of January, 1988, before Kathleen M. Fennell, and that said transcript constitutes a true and correct record of the testimony given by me at said deposition except as I have so indicated on the errata sheets provided herein.


JAMES McCORMACK

No corrections (Please initial) J D M
Number of errata sheets submitted 0 (pages.)

SUBSCRIBED AND SWORN TO
before me this 3 day
of Feb, A.D., 1988.


Notary Public

My commission expires 12-22-88

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)


3
4 I, KATHLEEN M. FENNELL, CSR, a
5 notary public in and for the County of Cook and
6 State of Illinois, do hereby certify that JAMES
7 McCORMACK was by me first duly sworn to testify to
8 the truth, the whole truth, and nothing but the
9 truth, and that the above deposition was recorded
10 stenographically by me and reduced to typewriting by
11 me.

12
13 I FURTHER CERTIFY that the foregoing
14 transcript of the said deposition is a true,
15 correct, and complete transcript of the testimony
16 given by the said witness at the time and place
17 specified hereinbefore.

18
19 I FURTHER CERTIFY that I am not a
20 relative or employee or attorney or counsel of any
21 of the parties, nor a relative or employee of such
22 attorney or counsel, or financially interested
23 directly or indirectly in this action.
24

1 I FURTHER CERTIFY that my
2 certificate annexed hereto applies to the original
3 and typed transcripts only, signed and certified
4 transcripts only. I assume no responsibility for
5 the accuracy of any reproduced copies not made under
6 my control or direction.

7
8 IN WITNESS WHEREOF, I have hereunto
9 set my hand and affixed my seal of office at
10 Chicago, Illinois, this 13th day of January, A.D.
11 1988.

12 
13 KATHLEEN M. FENNEL, CSR, RPR
14 188 West Randolph Street
15 Chicago, Illinois 60601
16 (312) 984-1033

17 C.S.R. License No. 084-001939

18 My notary commission
19 expires March 18, 1990.
20
21
22
23
24